



POLICY &amp; RECORDS ADMINISTRATION

VIA ELECTRONIC MAIL

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August 15, 2019

Abenicio Cisneros, Esq.  
Law Offices of Abenicio Cisneros  
2443 Fillmore Street, #380-7379  
San Francisco, CA 94115

Dear Mr. Cisneros,

This letter pertains to a current writ petition case that is pending in the Superior Court for the County of San Diego that arises out of public record act requests sent by your client, Ethan Coston, to the University of California, San Diego campus ("UCSD") under the California Public Records Act ("CPRA"). Pursuant to a settlement agreement in the above referenced case, the campus has agreed to provide this letter for two purposes: (1) to affirm that Alan Labotski was the respondent in the attached Title IX report; and (2) to provide information to you and your client that explains the efforts expended by UCSD to search for documents and respond to the public record act requests made by your client.

**Title IX Report**

Pursuant to the settlement agreement in this matter, the University has agreed to un-redact certain portions of the attached Title IX report that were originally redacted to protect the identification of the Respondent, Alan Labotski. For a number of reasons, including that Petitioner is aware of Mr. Labotski and his involvement with this investigation and considering Mr. Labotski is no longer employed by the University, the University no longer needs to protect his identity. This letter confirms that even though the attached Title IX report does not mention Mr. Labotski by name, he was the respondent and focus of the investigation.

**Response to Underlying CPRA Requests**

The first CPRA request that is the subject of the above referenced writ petition was submitted by Mr. Coston on April 11, 2018. That request sought copies of any "Title IX and Personnel Records related to Alan Labotski, former Operations Manager at the UC San Diego Bookstore."

Before UCSD could respond to the first request, Mr. Coston submitted another CPRA request on April 22, 2018 for "all documents related to Title IX Investigations from January 2016 to May 2018," which included the Title IX report for which Mr. Labotski was the respondent. During that time period, UC San Diego received several other requests for Title IX Investigation reports. Records of Title IX investigations, including the Title IX report that pertained to Mr. Labotski, were released to Mr. Coston on June 27, 2018. That production mirrored the releases of records produced to other

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individuals who had made similar records requests. Prior to releasing these records to Mr. Coston, Policy & Records Administration reached out to the record holders to confirm that there were no additional disclosable responsive records. This included getting confirmation from HR Employee Relations that Mr. Labotski's personnel file did not contain any additional documents responsive to the April 11, 2018 request.

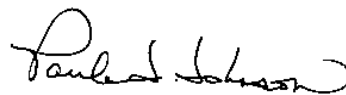
On July 16, 2018, Mr. Coston submitted a CPRA request for "[a]ll records relating to charges or misconduct complaints against Alan Labotski, former employee of the UC San Diego Bookstore, which resulted in any disciplinary action or in a finding of responsibility. Regardless of any disciplinary action or finding of responsibility, records reflecting the number and nature of all complaints received involving the conduct of Alan Labotski, including, but not limited to, any complaints that could be characterized as alleging sexual harassment or sexual misconduct, or any record where Alan Labotski is named as the respondent in a Title IX investigation." Policy & Records Administration again reached out to HR Employee Relations who conducted an additional search and confirmed there were no documents related to complaints of misconduct in Mr. Labotski's personnel file.

On October 29, 2018, Mr. Coston submitted two CPRA requests to UCSD. The first request sought "[e]mails between former UC San Diego Bookstore operations director Alan Labotski and bookstore director Tom Bonetati from July 1, 2017 to January 31, 2018." The second request sought "[e]mails to or from UCSD bookstore director Tom Bonetati pertaining to the OPHD investigation of Alan Labotski, including, but not limited to, bookstore internal communications and communications with OPHD." Policy & Records Administration confirmed that Mr. Labotski's email messages had been purged from the system when he was no longer employed by the University pursuant to the University's document retention policy. Policy & Records Administration also reached out to Tom Bonetati to request that he produce responsive records. Mr. Bonetati signed a release that allowed IT to access his emails. IT accessed and duplicated his email box and sent a copy to Policy & Records Administration. Policy & Records Administration conducted a search of Mr. Bonetati's email using the search term "Labotski." A review of the contents following that search resulted in a determination that there were no responsive records to either of the requests, submitted on October 29, 2018.

### **Compliance with Settlement Agreement**

With the sending of this letter, the University has complied with the portion of the Settlement Agreement in connection with the above referenced writ petition case.

Sincerely,

A handwritten signature in black ink, appearing to read "Paula J. Johnson", with a stylized flourish at the end.

Paula J. Johnson  
Director

Cc: John Gherini

Attachment